

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

CARLOS TERRILL MAXWELL,

Petitioner,

v.

REECE LANE et al.,

Respondents.

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Case No. CIV-14-285-F

REPORT AND RECOMMENDATION

Petitioner Carlos Terrill Maxwell, a state prisoner appearing pro se, filed a petition for writ of habeas corpus on March 21, 2014 (Doc. No. 1). This type of proceeding requires the petitioner to either pay a filing fee of \$5.00 or obtain leave to proceed *in forma pauperis*. See LCvR 3.2, 3.5; R. 3(a), Rules Governing Section 2254 Cases in the United States District Courts. Mr. Maxwell, however, has done neither.

On March 31, 2014, Mr. Maxwell was ordered to either pay the \$5.00 filing fee or file an application for leave to proceed *in forma pauperis* no later than April 21, 2014. Mr. Maxwell was advised that his failure to timely comply “may result in dismissal of this action.” See Doc. No. 4.

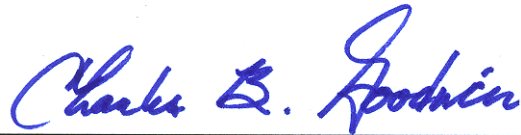
As of the present date, Mr. Maxwell has not paid the filing fee, filed an application to proceed *in forma pauperis*, or requested an extension of time to comply with the deadline. The undersigned therefore recommends that Mr. Maxwell’s action be dismissed without prejudice to refiling, with no fees or costs imposed or collected. See LCvR 3.4(a).

NOTICE OF RIGHT TO OBJECT

Mr. Maxwell is advised of his right to file an objection to this Report and Recommendation with the Clerk of this Court by May 20, 2014, in accordance with 28 U.S.C. § 636 and Federal Rule of Civil Procedure 72. Mr. Maxwell further is advised that failure to timely object to this Report and Recommendation waives the right to appellate review of both factual and legal issues contained herein. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

This Report and Recommendation disposes of all issues referred to the undersigned in the present case.

ENTERED this 29th day of April, 2014.



CHARLES B. GOODWIN
UNITED STATES MAGISTRATE JUDGE